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10/824,479	04/15/2004	Takashi Sakurazawa	251901US6	6488

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EXAMINER

HERRERA, DIEGO D

ART UNIT PAPER NUMBER

2617

DATE MAILED: 07/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/824,479	Applicant(s) SAKURAZAWA, TAKASHI	
	Examiner Diego Herrera	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) 2-4 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 5-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 8 recites the limitation "said article of manufacture" in applicant's claims. There is insufficient antecedent basis for this limitation in the claim. The examiner recommends replacing "said article of manufacture" with what the applicant's device or apparatus or system or whatever the means that processes such computer readable means.

Response to Arguments

Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn. Applicant's reconsideration of application submission after final filed on 7/3/2006 has been entered.

Applicant's arguments with respect to claims 1-9 have been considered but are moot in view of the new ground(s) of rejection.

In response to the applicant's arguments concerning claims 1, & 5-9, the applicant's features in the claims wherein a method and apparatus of servers that supply services to respective terminals either transmitting or receiving with their protocols or such services, reads on Boyle et al.

Boyle et al. discloses this system, nonetheless, Boyle et al. lacks the ability to recommend related information based on what the subscriber has requested. However,

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the combination of Boyle et al. and Wolters et al. remedies this deficiency in Boyle et al (see office action below for specifics).

Therefore, the argued features are written broad such that they read upon the cited references or are claiming the same limitation as the cited references.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1, & 5-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boyle et al. (U.S. Patent # 6,138,158), and in view of Wolters et al.

1. Regarding claim 1, Boyle et al. discloses a service providing system (Abstract) comprising:

- a. A first server for providing a first service to a first terminal via a network
(Abstract, Fig. 1, col. 5, lines: 10-15, the reference makes mention of first service and first terminal and first server as depicted in figure one); and
- b. A second server for providing a second service to a second terminal via said network (Fig. 1, col. 5, lines: 4-23, the reference makes mention of other systems that work with stationary devices that provide service and have their own server as depicted in figure one);
- c. Wherein said first server includes:
 - i. First providing means for providing said first service to said first terminal (Fig. 1, col. 5, lines: 7-8, first means for providing service is via airnet {102} with an antenna {108} as depicted in figure one);
and
 - ii. First transmitting means for transmitting provision information indicating that said first service has been provided by said first providing means to said second server (Fig. 1, col. 5, lines: 37-58, talks about a link between two different system servers, therefore, a transceiver. Col. 5, lines: 24-36, talks about notifying users of update information, explained further in col. 7, lines: 13-28, how this is done through to the mobile or stationary device, since the update can come from any of the servers, but as explained even further in col. 7, lines: 40-45, the web server send a notification to the

subscribed user about any changes that may have occurred since last request of information); and

d. Wherein said second server includes:

- i. Detecting means for recognizing from said provision information transmitted from said first transmitting means of said first server that said first service has been provided, and detecting said second service related to said first service (Fig. 1 & 2, col. 8, lines: 18-26, 33-67, col. 9, lines: 1-5, where the first service has been provided then it is connected to the link where the information of the mobile device is stored, i.e. identification number, so that when the second server has relevant information to provide it will know what device to send it to using the link explained and shown in the reference);
- ii. Second providing means for providing said second service registered by said registering means to said second terminal in response to a request from said second terminal (Fig. 1, as shown in the figure one, the second device {110} communicates to second server through internet or intranet {104} and connects with second server {112}. See also col. 8, lines: 20-25, where the second device is connected to second server that provides service through Internet or intranet).
- iii. Registering means for registering said second service by said information and requested to be provided by said first terminal (Fig.

4 & 5, col. 9, lines: 43-60, as shown in the figures there are means where the mobile device is registered to a particular server which then sends updates on the information of interest that the mobile has desired to receive). Second transmitting means for transmitting related information for said second service detected by said detecting means to said first terminal (Fig. 1 & 2, col. 5, lines: 37-58, also col. 7, lines: 1-12, talks about the means of a link infrastructure used to communicate information between the two networks or the mobile device and the second network. Also it talks about having different microprocessor used for different means of transmitting the information as depicted in the figure two the objects: 202, 104, 210, 206, and 106 as the arrows indicate flow of information traffic);

However, Boyle et al. do not disclose recommendation for recommending related information to subscribers, nonetheless, Wolters et al. teaches recommending related information to subscribers (title, abstract, fig. 1, 3, & 5, paragraph [0008]-[0009], [0016], [0018]-[0020], [0024]; Wolters teaches associations with request or interest of information from user and correlates similar information from retailers or other type of business that offer services relating to subscribers request).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the invention of Boyle et al. to specifically include the recommendation for recommending related information to subscribers as taught by Wolters et al. for the purpose of to offer a larger variety of services (paragraph [0002]).

2. **Canceled claim 2.**

3. **Canceled claim 3.**

4. **Canceled claim 4.**

5. Consider claim 5, Boyle et al. discloses and shows an information processing apparatus for providing a first service to a first terminal via a network (Fig. 1 & 2, object link server device {114} between server {118} and mobile {106} device, col. 5, lines: 37-58), said apparatus comprising:

a. Detecting means for recognizing that a second service has been provided from provision information indicating that said second service has been provided (Fig. 1 & 3, object Link server device {114} connected to server {112} through internet {104}. See also, col. 5, lines: 37-58, these lines talk about the link server device communicating with one server then with another of different system), said provision information being transmitted from a server for providing said second service to a second terminal via said network (col. 8, lines: 20-32, where the word coupled is understood to mean connected through wires or means in which both the second server device is able to communicate with second

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terminal device through said network), and detecting said first service related to said second service (col. 8, lines: 6-13, talks about the service update provided by the server to the mobile unit therefore the second server knows what the first server has provided or didn't provide);

b. Providing means for providing said first service registered by said registering means to said first terminal in response to a request from said first terminal (col. 2, lines: 9-37, talk about the user being able to register and get updates from first service, since the control system is a link between the first service, which is an airnet system, and the user; the link is able to connect both of them whenever there is information to be transmitted).

c. Transmitting means for transmitting information for said first service detected by said detecting means to said second terminal (Fig. 2, shows the connections to the link server where the other servers can transmit information updates as they can also pull information from the link server as depicted by arrows pointed path flow of information, also see col. 7, lines: 40-51, where wideband channel is used to transmit information from the mobile device to the link server); Registering means for registering said first service by said information and requested to be provided by said second terminal (Fig. 1 and 2, col. 8, lines: 18-26, col. 9, lines: 43-67, as shown by Boyle et al. the services are related through the link server as notifications from the different servers are sent);

However, Boyle et al. do not disclose recommendation for recommending related information to subscribers, nonetheless, Wolters et al. teaches recommending related information to subscribers (title, abstract, fig. 1, 3, & 5, paragraph [0008]-[0009], [0016], [0018]-[0020], [0024]; Wolters teaches associations with request or interest of information from user and correlates similar information from retailers or other type of business that offer services relating to subscribers request).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the invention of Boyle et al. to specifically include the recommendation for recommending related information to subscribers as taught by Wolters et al. for the purpose of to offer a larger variety of services (paragraph [0002]).

6. Consider claim 6, and as applied to claim 5 above, Boyle et al. shows and discloses further comprising aggregating means for obtaining an aggregate number of transfers of said provision information (col. 9, lines: 6-34, Boyle et al. teaches the storage of initial information that client has and then the adding or compiling or aggregating of update information back to the client by the server);

- a. Wherein said providing means provides said first service to said first terminal according to an aggregate result by said aggregation means (col. 9,

lines: 6-34, Boyle et al. teaches the storage of initial information that client has and then the adding or compiling or aggregating of update information back to the client by the server).

7. Consider claims 7 & 8, Boyle et al. discloses and shows an information processing method for providing a first service to a first terminal via a network (Fig. 1, abstract, col. 4, lines: 61-63, where there is an airnet and a land net providing information as depicted providing service to a terminal), said method comprising:

- a. A providing step for providing said first service registered by processing of said registering step to said first terminal in response to a request from said first terminal (col. 10, lines: 18-39, Boyle et al. teaches where the server responds to the request of said client terminal by alerting the client of the update information ready for the client to access through a process).
- b. A detecting step for recognizing that a second service has been provided from provision information indicating that said second service has been provided (col. 2, lines: 37-40, notification is sent out from server about updates the client then responds to the notification via a message therefore, detecting step. Also, col. 12, lines: 44-64, Boyle et al. explains how services are provided), said provision information being transmitted from a server for providing said second service to a second terminal via said network, and detecting said first service related to said second service (Fig. 1 and 2, col. 8, lines: 18-26, col. 9, lines: 43-67, as shown by Boyle et al. the services are related through the link server as notifications from the different servers are sent); A transmitting step for

transmitting information for said first service detected by processing of said detecting step to said second terminal (col. 11, lines: 38-56, col. 12 lines: 44-55); A registering step for registering said first service by said information and requested to be provided by said second terminal (col. 11, lines: 22-67, col. 12, lines: 44-64, Boyle et al. teaches transmitting and registrations steps in order to update the information between client and server); and

However, Boyle et al. do not disclose recommendation for recommending related information to subscribers, nonetheless, Wolters et al. teaches recommending related information to subscribers (title, abstract, fig. 1, 3, & 5, paragraph [0008]-[0009], [0016], [0018]-[0020], [0024]; Wolters teaches associations with request or interest of information from user and correlates similar information from retailers or other type of business that offer services relating to subscribers request).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the invention of Boyle et al. to specifically include the recommendation for recommending related information to subscribers as taught by Wolters et al. for the purpose of to offer a larger variety of services (paragraph [0002]).

8. (New) Regarding claim 9, Boyle et al. discloses an information processing apparatus for providing a first service to a first terminal via a network (Abstract, Fig. 1, shows objects server {118}, link {114}, antenna {108}, and a terminal {106}), **said apparatus comprising:**

- a. Receiver unit configured to receive provision information that indicates an offer of second service to second terminal from a second server** (Fig. 1, col. 5, lines: 37-58, Boyle talks about a link between two different system servers, therefore, a transceiver being used. Col. 5, lines: 24-36, talks about notifying users of update information, explained further in col. 7, lines: 13-28, how this is done through to the mobile, since the update can come from any of the servers, but as explained even further in col. 7, lines: 40-45, the web server sends a notification to the subscribed user about any changes that may have occurred since last request of information. Also, col. 10, lines: 2-17, talk about the URL as being a form of transmission with information indicating services provided or subscribed to of mobile device);
- b. Detection unit configured to detect said first service related to said second service from the provision information** (col. 10, lines: 2-17, Boyle talks about the URL as being a form of transmission with information indicating services provided or subscribed to of mobile device);
- c. Transmitter unit configured to transmit recommendation information for recommending said first service detected by said detection unit to said second terminal** (Fig. 1 & 3, object Link server device {114} connected to server

{112} through internet {104}. See also, col. 5, lines: 37-58, Boyle talks about the link server device communicating with one server then with another of different system); Register unit configured to register said first service recommended by said recommendation information and requested to be provided by said second terminal (col. 11, lines: 22-67, col. 12, lines: 44-64, Boyle et al. teaches transmitting and registrations steps in order to update the information between client and server); and said first terminal in response to a request from said first terminal (col. 10, lines: 18-39, Boyle et al. teaches where the server responds to the request of said client terminal by alerting the client of the update information ready for the client to access through a process);

However, Boyle et al. do not disclose recommendation for recommending related information to subscribers, nonetheless, Wolters et al. teaches recommending related information to subscribers (title, abstract, fig. 1, 3, & 5, paragraph [0008]-[0009], [0016], [0018]-[0020], [0024]; Wolters teaches associations with request or interest of information from user and correlates similar information from retailers or other type of business that offer services relating to subscribers request).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the invention of Boyle et al. to specifically include the

recommendation for recommending related information to subscribers as taught by Wolters et al. for the purpose of to offer a larger variety of services (paragraph [0002]).

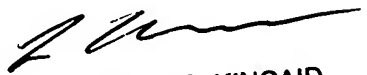
Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Diego Herrera whose telephone number is (571) 272-0907. The examiner can normally be reached on Monday-Friday, 6:30AM-3:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kincaid G. Lester can be reached on (571) 272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

D.H.


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